IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO NO. 1059 OF 1988
DATE OF DECISION 12.7.2006

Gurdev Singh

Versus

Punjab Roadways and others

Present: Mr. Sudhir Aggarwal, Advocate
for the appellant

Ms. Urvashi Dugga, AAG Punjab

Mr. P.S. Kang, Advocate for respondent No.3.

Rajesh Bindal, J.

This is an appeal against the award passed by Motor Accident Claims Tribunal, Amritsar in MACT Case No. 3 of 1986 for enhancement of compensation.

Brief facts, as stated, are that the claimant Gurdev Singh alongwith other police officials was going in a police truck No. PUO 4433 on 19.6.1986, when an accident occurred with Punjab Roadways bus bearing No. PJG 1958 near High School Khalchain. It is alleged that the accident occurred due to rash and negligent driving of driver of the bus, while he was trying to overtake the police truck. In this process the bus hit against the police truck, as a result of which the tyre of the bus burst and it went out of control and struck against Tahli tree causing multiple injuries to the appellant.

The case of the claimant is that he was working as Sub-Inspector in Police and was posted in the Mounted Police at Amritsar. As a result of accident, besides spending huge amount on treatment, the chance of the claimant of promotion have reduced. In the claim petition, a sum of Rs. 50,000/- on account of compensation and

Rs. 15,000/- on account of medical treatment has been claimed. In evidence the claimant stated that he spent a sum of Rs. 50,000/- on treatment, however the same could not be supported by any medical record. Rather, it came in the evidence that the claimant had spent a sum of Rs. 3000/- on his treatment and that amount had been got reimbursed from the State as medical reimbursement. It is not denied that the claimant was treated in the hospital and he also remained in hospital for some time. The claimant had not led any evidence to prove that there was any affect on the chances of his promotion, since he failed to produce on record his service book to throw light on his future prospects of promotion keeping in view his qualifications and past service record.

After considering the facts of the case learned Tribunal awarded a sum of Rs. 10,000/- as general damages to the claimant. So far as compensation on account of treatment is concerned, the findings are that the claimant produced the bills of about Rs. 3,000/- and that amount was got reimbursed from the State.

As far as compensation on account of assessment of pain and sufferings and general damages are concerned, in my view, the same deserves some enhancement and accordingly, the same is increased to Rs. 25,000/-from Rs. 10,000/- granted by the Tribunal.

The award of the Tribunal is modified to the extent mentioned above and the appeal is accepted accordingly.

July 12, 2006 **(RAJESH BINDAL)**
gsv **JUDGE**